

## CLAIMS

*Convention signed at Washington January 15, 1880*  
*Senate advice and consent to ratification March 29, 1880*  
*Ratified by the President of the United States April 3, 1880*  
*Ratified by France June 9, 1880*  
*Ratifications exchanged at Washington June 23, 1880*  
*Entered into force June 23, 1880*  
*Proclaimed by the President of the United States June 25, 1880*  
*Extended by conventions of July 19, 1882,<sup>1</sup> and February 8, 1883<sup>2</sup>*  
*Terminated upon fulfillment of its terms<sup>3</sup>*

21 Stat. 673; Treaty Series 95

### CONVENTION BETWEEN THE UNITED STATES OF AMERICA AND THE FRENCH REPUBLIC, FOR THE SETTLEMENT OF CERTAIN CLAIMS OF THE CITIZENS OF EITHER COUNTRY AGAINST THE OTHER

The United States of America and the French Republic, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country as hereinafter defined, during a state of war or insurrection, under the circumstances hereinafter specified, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon, as follows:

The President of the United States, William Maxwell Evarts, Secretary of State of the United States, and the President of the French Republic, Georges Maxime Outrey, Envoy Extraordinary and Minister Plenipotentiary of France at Washington, Commander of the National Order of the Legion of Honor, &c., &c., &c.;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles:

<sup>1</sup> TS 96, *post*, p. 853.

<sup>2</sup> TS 97, *post*, p. 855.

<sup>3</sup> Award rendered by Commissioners Mar. 31, 1884.

## ARTICLE I

All claims on the part of corporations, companies, or private individuals, citizens of the United States, upon the Government of France, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of France, or voluntarily giving aid and comfort to the same, by the French civil or military authorities, upon the high seas or within the territory of France, its colonies and dependencies, during the late war between France and Mexico, or during the war of 1870-'71 between France and Germany and the subsequent civil disturbances known as the "Insurrection of the Commune"; and on the other hand, all claims on the part of corporations, companies or private individuals, citizens of France, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of France not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, upon the high seas or within the territorial jurisdiction of the United States, during the period comprised between the thirteenth day of April, eighteen hundred and sixty-one, and the twentieth day of August, eighteen hundred and sixty-six, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the French Government, and the third by His Majesty the Emperor of Brazil.

## ARTICLE II

The said commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character, presented to them by the citizens of either country, except such as have been already diplomatically, judicially or otherwise by competent authorities, heretofore disposed of by either government; but no claim or item of damage or injury based upon the emancipation or loss of slaves shall be entertained by the said Commission.

## ARTICLE III

In case of the death, prolonged absence, or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the United States, or the Government of France, or His Majesty the Emperor of Brazil, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the date of the occurrence of the vacancy.

## ARTICLE IV

The Commissioners named as hereinbefore provided shall meet in the city of Washington at the earliest convenient time within six months after the exchange of the ratifications of this convention, and shall, as their first act

in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I and II, which shall be laid before them on the part of the governments of the United States and of France respectively; and such declaration shall be entered on the record of their proceedings: Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

#### ARTICLE V

The Commissioners shall, without delay, after the organization of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission. They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

#### ARTICLE VI

The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating, in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States or of France, as the case may be; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

#### ARTICLE VII

The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

## ARTICLE VIII

Every claim shall be presented to the Commissioners within a period of six months, reckoned from the day of their first meeting for business, after notice to the respective Governments, as prescribed in Article V of this Convention. Nevertheless, in any case where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding three months longer.

The Commissioners shall be bound to examine and decide upon every claim within two years <sup>4</sup> from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case the proceedings of the Commission shall be interrupted by the death, incapacity, retirement, or cessation of the functions of any one of the Commissioners, in which event the period of two years herein prescribed shall not be held to include the time during which such interruption may actually exist.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

## ARTICLE IX

All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within twelve months after the date of the final award, without interest, and without any deduction save as specified in Article X.

## ARTICLE X

The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of France may each appoint and employ a Secretary versed in the language of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses,

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<sup>4</sup> Extended by conventions of July 19, 1883 (TS 96), *post*, p. 853, and Feb. 8, 1883 (TS 97), *post*, p. 855.

shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per centum on the sums so awarded. If the whole expenses shall exceed this rate, then the excess of expenses shall be defrayed jointly by the two Governments in equal moieties.

#### ARTICLE XI

The High Contracting Parties agree to consider the result of the proceedings of the Commission provided by this Convention as a full, perfect and final settlement of any and every claim upon either Government, within the description and true meaning of Articles I and II; and that every such claim, whether or not the same may have been presented to the notice of, made, preferred, or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be considered and treated as finally settled, concluded and barred.

#### ARTICLE XII

The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof, and by the President of the French Republic, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within nine months from the date hereof.

In testimony whereof the respective Plenipotentiaries have signed the present Convention, in the English and French languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Washington, the fifteenth day of January, in the year of our Lord one thousand eight hundred and eighty.

WILLIAM MAXWELL EVARTS	[SEAL]
MAX OUTREY	[SEAL]